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P-R-O-C-E-E-D-I-N-G-S

6:52 p.m.

CHAIRPERSON MILLER: Okay. We're back on the record for the agenda for September 18th, 2013.

The first item on the agenda is a request to extend safekeeping for 24 months and this is by Hunan Peking located at 3251 Prospect Street, N.W., #500, License Number 08348. I move that we have a fact finding hearing on this request.

Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion. All those in favor say aye.

(Ayes.)

CHAIRPERSON MILLER: All those opposed? All those abstaining? The motion passes 4-0-0.

Number two is a request that we clarify our decision to deny class change due

1 to a distance issue. This relates to Cork
2 Market and Tasting Room located at 1805 14th
3 Street, N.W., 082443 for clarification. I
4 move that we have deny the class change from
5 B to A for Cork Market and Tasting Room based
6 on the distance issue. There's another A
7 within 400 feet.

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Mr. Alberti
10 seconded the motion.

11 All those in favor say aye.

12 (Ayes.)

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 4-0-0 to deny.

16 Number three is a request to
17 change a mailing address for The Ritz-Carlton
18 from 2200 M Street, N.W. to 1150 22nd Street,
19 N.W. in Washington, D.C. and the license
20 number is 60273. I move that we approve this
21 request.

22 Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks
3 has seconded the motion. All those in favor
4 then say aye.

5 (Ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 4-0-0.

9 Number four no action is required.
10 The Board has already acted on this case on
11 the docket.

12 Number five is a request for a
13 class change from CR to CT for Juanita's
14 Restaurant located at 3521 14th Street, N.W.,
15 License Number 91432. I move that we placard
16 this request.

17 Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks
20 has seconded the motion. All those in favor
21 say aye.

22 (Ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? Motion passes
3 4-0-0.

4 Number six is a request for a
5 change of hours in operation and sales for
6 Safeway located at 6500 Piney Branch Road,
7 N.W., License Number 77988. Hours of
8 operation would be go an hour earlier. Oh.
9 Okay. Good. I'm sorry. Yes, go from 6:00 to
10 5:00 and well, there in the application.
11 Maybe just leave it that there is a request
12 for the change of hours and operation for
13 Safeway. Anyway, I would move that we approve
14 these changes.

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Okay. It's
17 been seconded by Mr. Alberti. All those in
18 favor say aye.

19 (Ayes.)

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 4-0-0.

1 The next one also is a request for
2 change of hours to open on Mondays for Monday
3 3:00 p.m. to 2:00 a.m. and this is for The
4 Elroy located at 1423 H Street, N.E., License
5 Number 91452. I move that we approve.

6 Do I have a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr.

9 Silverstein seconded the motion. All those in
10 favor say aye.

11 (Ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 4-0-0.

15 Okay. Number eight through 18
16 involve the Watergate Hotel. Pleadings
17 related to reinstatement and reconsideration
18 and I move that we continue those items to
19 next Wednesday, September 25th for the Board's
20 consideration.

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1 has seconded the motion. All those in favor
2 say aye.

3 (Ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes by a vote of 4-0-0.

7 Which brings us to item number 19.
8 It's a request for reinstatement by Sarosh
9 Hussian of The Cusbah located at 1128 H
10 Street, N.E., License Number 88779. It's
11 related to a medical emergency for not making
12 roll call I think.

13 MEMBER ALBERTI: You missed the --

14 CHAIRPERSON MILLER: What did she
15 miss?

16 MEMBER ALBERTI: She's asking for
17 reinstatement.

18 CHAIRPERSON MILLER: Yes. So, she
19 was -- right and I think that she's made a
20 good cause for reinstatement. So, I move that
21 we grant reinstatement.

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: And Mr.
2 Alberti has seconded the motion. All those in
3 favor say aye.

4 (Ayes.)

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? And the
7 motion passes by a vote of 4-0-0. Right. She
8 missed a status hearing. Okay.

9 Number 20 is a settlement
10 agreement between ANC 2C and Penn Social
11 located at 801 E Street, N.W., License Number
12 086808. I move that we approve with
13 modifications. I believe the modifications
14 that the Board would like are to paragraph 1,
15 6 and 8.

16 MEMBER ALBERTI: I second the
17 motion.

18 CHAIRPERSON MILLER: Mr. Alberti
19 seconded the motion. I will comment that I am
20 not in favor of modifications to 1, but I --
21 other than that, in any event, I will move for
22 the modifications as indicated. All those in

1 favor then say aye.

2 (Ayes.)

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? Okay. And
5 the motion passes approving settlement
6 agreement with the modifications to 1, 6 and
7 8.

8 Number 21 is a settlement
9 agreement between ANC 1C and Doner Bistro
10 which is located at 1654 Columbia Road, N.W.,
11 License Number 089877. I move that we approve
12 this settlement agreement.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion. All those in favor
17 say aye.

18 (Ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? Motion passes
21 4-0-0.

22 Number 22 is a settlement

1 agreement between ANC 6C and Wolfgang Puck
2 Catering and Events, LLC. This is for The
3 Source by Wolfgang Puck located at 575
4 Pennsylvania Avenue, N.W., License Number
5 61261. This filing that we have is not in
6 settlement form. So, I move that we direct
7 the parties to resubmit their settlement
8 agreement in settlement form.

9 Do I have a second?

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON MILLER: Mr. Alberti
12 has seconded the motion. All those in favor
13 say aye.

14 (Ayes.)

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 4-0-0.

18 Number 23 is a review of
19 respondent's petition to stay in Case Number
20 12-CC-00034, DC Shenanigans located at 2450
21 18th Street, N.W., License Number 088119. I
22 would -- this stay requires meeting a strict

1 test and I would move that we deny the stay
2 because certainly I don't see that they meet
3 the irreparable harm test. So, not meeting
4 any one of the tests would defeat the stay.
5 Other parts of the test are likelihood of
6 success on the merits, no harm to others. In
7 any event, I just don't see that they meet the
8 irreparable harm test. So, I would move to
9 deny.

10 Do I have a second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Okay. Are
13 there other comments? Okay. There's a motion
14 that's been seconded. All those in favor say
15 aye.

16 (Ayes.)

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion to
19 deny passes by a vote of 4-0-0.

20 That concludes the regular agenda.
21 Now, we move to the supplemental agenda.

22 Number one is a request for a

1 stipulated license by Nando's Peri Peri
2 located at 300 Tingey Street, S.E., License
3 Number 092802. We have a letter in support
4 from ANC 6D. I move that we approve.

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 has seconded the motion. All those in favor
8 say aye.

9 (Ayes.)

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? Motion passes
12 4-0-0.

13 Number two is another request for
14 a stipulated license for a sidewalk caf,
15 endorsement for The Coupe located at 3415 11th
16 Street, N.W., License Number 86623. We also
17 have a letter in support of this request for
18 a stipulated license. So, I, therefore, move
19 to approve.

20 Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1 seconded the motion. All those in favor say
2 aye.

3 (Ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 3-0-0.

7 Number three is a request for
8 involuntary transfer of license in
9 safekeeping. The establishment is The Roberts
10 Law Group located at 12605 Pleasant Prospect
11 Road, Mitchellville, Maryland, License Number
12 83728. I would move that we deny this request
13 because there is -- even though this is --
14 this is being litigated in court. There isn't
15 any clear order from the court for us to
16 transfer the license. So, I move to deny.

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti
19 seconded the motion. All those in favor say
20 aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 4-0-0 to deny.

3 Number four is a motion to dismiss
4 a protest of renewal for Policy located at
5 1904 14th Street, N.W., License Number 76804.
6 The hearing for this protest of the renewal is
7 for next Wednesday. So, I'm in favor of
8 postponing consideration of this motion to
9 dismiss until next Wednesday, but are there
10 other opinions?

11 MEMBER ALBERTI: I believe that
12 this should be denied on the merits of the
13 letter. There was no good reasons given in
14 the letter. There was no good reasons given
15 in the motion that was presented to us to --
16 that would lead me to want to approve it.

17 CHAIRPERSON MILLER: All right.
18 So, would you like to make a motion?

19 MEMBER ALBERTI: I move that we
20 deny this motion to dismiss the protest.

21 MEMBER SILVERSTEIN: I second.

22 CHAIRPERSON MILLER: Okay.

1 There's a motion to deny that's been seconded.

2 All those in favor say aye.

3 (Ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? Abstaining.

6 So, the vote is 3-0-1 to deny the motion to
7 dismiss.

8 Okay. Number five is a joint
9 motion for continuance of protest hearing for
10 TruOrleans located at 400 H Street, N.E.,
11 License Number 086210. I move that we grant
12 the continuance.

13 Can we go off the record for a
14 minute?

15 (Whereupon, at 7:07 p.m., a recess
16 was taken until 7:09 p.m.)

17 CHAIRPERSON MILLER: Okay. We're
18 back on the record.

19 So, this is TruOrleans. I move
20 that we grant the joint motion for a
21 continuance of protest hearing and schedule
22 that hearing for October 3rd at 9:30.

1 Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 seconded the motion. All those in favor say
5 aye.

6 (Ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 4-0-0.

10 Number six is a settlement
11 agreement between ANC 6A and Chupacabra
12 located at 822 H Street, N.W., License Number
13 092662. I move that we approve the settlement
14 agreement.

15 Do I have a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.
18 Silverstein has seconded the motion. All
19 those in favor say aye.

20 (Ayes.)

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 4-0-0.

2 Number seven is a request for a
3 stipulated license for Chupacabra and this is
4 supported by ANC 6A. I move that we approve
5 the request.

6 Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks
9 has seconded the motion. All those in favor
10 say aye.

11 (Ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 4-0-0.

15 Number eight is a request for
16 continuance of a show cause hearing for Queen
17 Makeda located at 1917 9th Street, N.W.,
18 License Number 060510. I believe that we
19 granted this request earlier in the day and to
20 confirm, it's been granted and scheduled for
21 October 3 at 2:00. I guess we could vote on
22 it again here.

1 All those in favor? Oh, do I have
2 a second?

3 MEMBER ALBERTI: Second.

4 CHAIRPERSON MILLER: Mr. Alberti
5 seconded the motion. All those in favor say
6 aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? Motion passes
10 4-0-0.

11 Number nine is a request for
12 payment extension by DC Shenanigans located at
13 2450 18th Street, N.W., License Number 088119.
14 I move that we deny the request.

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Mr. Alberti
17 seconded the motion as it's been the policy of
18 this agency not to grant such extensions. All
19 those in favor of denying say aye.

20 (Ayes.)

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 4-0-0.

2 Next on our agenda number ten is a
3 review of East Dupont Moratorium Emergency
4 Rulemaking. The existing East Dupont Circle
5 Moratorium Zone regulations are set to expire
6 on September 23rd, 2013. As a result, we need
7 to extend the existing moratorium in order to
8 hold a public hearing and make a determination
9 regarding the future of this moratorium zone
10 and we've received two proposals regarding
11 this issue and we need to schedule a hearing
12 to consider those proposals and the future of
13 this zone.

14 So, I move that we extend the
15 existing regulation for 180 days.

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: And that we
18 schedule a hearing on this issue for October
19 24, 2013 at 9:30 a.m.

20 Okay. Mr. Alberti, do you second
21 that?

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Okay. The
2 motion has been seconded. All those in favor
3 say aye.

4 (Ayes.)

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 4-0-0.

8 Okay. Okay. That concludes our
9 supplemental agenda.

10 We have a second supplemental
11 agenda with not too many items on it though.
12 Okay.

13 The first is a request for a
14 stipulated license for Each Peach Market
15 supported by ANC 1D and Each Peach Market is
16 located at 3806 Mount Pleasant Street, N.W.
17 I move that we postpone consideration of this
18 item until next week.

19 Do I have a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr.

22 Silverstein has seconded the motion. All

1 those in favor say aye.

2 (Ayes.)

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The motion
5 passes by a vote of 3-0-0.

6 Number two is a consent motion for
7 a continuance of protest hearing filed by
8 Protestant 2441 Bond Street Equities, LLC.
9 The case is Tacklebox located as 3245 M
10 Street, N.W., License Number 084952. I moved
11 that we approve.

12 Do I have a second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr.
15 Silverstein seconded the motion. All those in
16 favor say aye.

17 (Ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes by a vote of 3-0-0.

21 Number three is another consent
22 motion for continuance of a protest hearing

1 filed by Protestant 2441 Bond Street Equities,
2 LLC and it involves Bandolero located at 3241
3 M Street, N.W., License Number 075631. I move
4 that we approve this consent motion.

5 Do I have a second.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr.

8 Silverstein seconded the motion. All those in
9 favor then say aye.

10 (Ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Motion passes
13 3-0-0.

14 That completes our agenda.

15 I believe we have a cancellation.
16 Okay. We have a cancellation for La Carbonara
17 Restaurant located at 1926 9th Street, N.W.,
18 License Number 074242. The licensee did not
19 renew by March 31st, 2013. So, I move that we
20 cancel this license.

21 Do I have a second?

22 MEMBER SILVERSTEIN: Second.

1 CHAIRPERSON MILLER: Mr.
2 Silverstein seconded the motion. All those in
3 favor say aye.

4 (Ayes.)

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? Motion passes
7 3-0-0.

8 Okay. That concludes the items on
9 our agenda and cancellation and I will just
10 now read our instructions. We can take a vote
11 on our closed meetings.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia and in accordance with Section 405 of
15 the Open Meetings Amendment Act of 2010, I
16 move that the ABC Board hold a closed meeting
17 on September 25, 2013 for the purpose of
18 seeking legal advice from our counsel on the
19 matters identified on the Board's agenda for
20 September 25, 2013 as published in the D.C.
21 Register on September 20, 2013.

22 Is there a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein seconded the motion. I'll now
4 take a roll call vote on the motion before us
5 now that it's been seconded.

6 Mr. Brooks?

7 MEMBER BROOKS: I agree.

8 CHAIRPERSON MILLER: Mr. Alberti?

9 MEMBER ALBERTI: I agree.

10 CHAIRPERSON MILLER: Ms. Miller
11 agrees.

12 Mr. Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON MILLER: It appears
15 that the motion has passed by a vote 4-0-0.
16 I hereby give notice that the ABC Board will
17 hold this aforementioned closed meeting.

18 Pursuant to the Open Meetings
19 Amendment Act of 2010, notice will also be
20 posted on the ABC Board hearing room bulletin
21 board, placed on the electronic calendar on
22 ABRA's website and published in the D.C.

1 Register in as timely a manner as practicable.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with Section 405 of
5 the Open Meetings Amendment Act of 2010, I
6 move that the ABC Board will hold a closed
7 meeting on September 25, 2013 for the purpose
8 of discussing and hearing reports concerning
9 ongoing or planned investigations of alleged
10 criminal or civil misconduct or violations of
11 law or regulations and seeking legal advice
12 from our counsel on the Board's investigative
13 agenda for September 25, 2013 as published in
14 the D.C. Register on September 20th, 2013.

15 Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.

18 Silverstein has seconded the motion. I'll now
19 take a roll call vote on the motion now that
20 it's been seconded.

21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr.

2 Silverstein? Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Ms. Miller
7 agrees.

8 It appears that the motion has
9 passed by a vote of 4-0-0. I hereby give
10 notice that the ABC Board will hold this
11 aforementioned closed meeting.

12 Pursuant to the Open Meetings
13 Amendment Act of 2010, notice will also be
14 posted on the ABC Board hearing room bulletin
15 board, placed on the electronic calendar on
16 ABRA's website and published in the D.C.
17 Register in as timely a manner as practical.

18 And that completes our business
19 for September 18, 2013. Thank you.

20 (Whereupon, at 7:18 p.m., the
21 meeting was adjourned.)

22

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